

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 11 JAN 2006

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Applicant's or agent's file reference P18622WO1	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/SE2003/001517	International filing date (day/month/year) 30-09-2003	Priority date (day/month/year) -
International Patent Classification (IPC) or national classification and IPC See Supplemental Box		
Applicant Telefonaktiebolaget L M Ericsson (publ) et al		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
 - a. ☐ (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:
 - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input checked="" type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

Date of submission of the demand 29-03-2005	Date of completion of this report 22-12-2005
Name and mailing address of the IPEA/SE Patent- och registreringsverket Box 5055 S-102 42 STOCKHOLM Facsimile No. +46 8 667 72 88	Authorized officer Fredrik Blomqvist /LR Telephone No. +46 8 782 25 00

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: **Cover sheet**

INTERNATIONAL PATENT CLASSIFICATION (IPC):

H04Q 7/34 (2006.01)

H04Q 7/36 (2006.01)

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Box No. I Basis of the report

1. With regard to the language, this report is based on:



the international application in the language in which it was filed

a translation of the international application into _____,
which is the language of a translation furnished for the purposes of:

international search (Rules 12.3(a) and 23.1(b))



publication of the international application (Rule 12.4(a))



international preliminary examination (Rules 55.2(a) and/or 55.3(a))

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

the international application as originally filed/furnished



the description:

pages _____ as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____



the claims:

pages _____ as originally filed/furnished

pages* _____ as amended (together with any statement) under Article 19

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____



the drawings:

pages _____ as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____



a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

the description, pages _____



the claims, Nos. _____



the drawings, sheets/figs _____

the sequence listing (*specify*): _____any table(s) related to the sequence listing (*specify*): _____4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages _____



the claims, Nos. _____



the drawings, sheets/figs _____

the sequence listing (*specify*): _____any table(s) related to the sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. II \ Priority

1. ☒ This report has been established as if no priority had been claimed due to the failure to furnish within the prescribed time limit the requested:

☒ copy of the earlier application whose priority has been claimed (Rule 66.7(a)).
☐ translation of the earlier application whose priority has been claimed (Rule 66.7(b)).
2. ☐ This report has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rule 64.1). Thus for the purposes of this report, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>1-30</u>	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	<u>1-30</u>	NO
Industrial applicability (IA)	Claims	<u>1-30</u>	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

The claimed invention solves the problem of having a passive performance monitoring solution, which provides information about the true, user perceived end-to-end performance of mobile data networks.

This is solved by capturing traffic traces over standardized interfaces of the operational cellular mobile data network, building a traffic and session database and defining a set of key performance indicators.

Prior art:

D1) Soldani et al. "An improved method for assessing packet data transfer performance across a UMTS network", 2002

D2) WO 03037018 A1

D3) US2003186693 A1

D4) "GPRS radio network performance simulation and optimization with dynamic simulator" by Xiangguang, c. et al. 2003

D5) EP1335505 A1

Documents D3-D5 only describes prior art.

Reasoned statement

According to document D1, a cost function is described, where the cost function determine the effectiveness of a WCDMA network. Key performance indicators are defined based on the traffic in the network and define the performance of the cell (see section 4.2).

The only difference between D1 and the subject matter of claims 1, 28 and 30 is that no database is built in D1.

.../...

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: BOX V

Instead, D1 describes how a simulator is developed to test the cost function. Usually some sort of database is used in simulations. Therefore, it would be general common knowledge for a person skilled in the art to use document D1.

Consequently, the subject matter of claims 1, 28, and 30 lacks an inventive step.

Also document D2 (see abstract and fig 1), describes how it optimises performance in a network. Information in the network is used to build a history database, where key performance indicators are used in a cost function. The only difference from the subject matter in claims 1, 28 and 30 is that D2 does not describe "raw traffic traces". But "raw traffic traces" can here be understood as the typical information traffic in the network. Therefore, in view of D2, the subject matter of claims 1, 28, and 30 also lacks an inventive step.

In claims 2-27 and 29 constructional details and characteristics of the method and system of claim 1 are defined, which come within the scope of the customary practice followed by persons skilled in the art, especially as the advantages thus achieved can readily be foreseen. Consequently, the subject matter of claims 2-27 and 29 also lacks an inventive step.

Accordingly, the subject matter of claims 1-30 is novel and has industrial applicability but is not considered to involve an inventive step.